

Construction Storm Water Fact Sheet

Utah Pollutant Discharge Elimination System (UPDES)

Utah Division of Water Quality

January, 2003

This fact sheet announces the new online storm water permitting system, provides an overview of the permit requirements, and answers common questions. Those desiring more information may contact one of the individuals listed in the box below.

Storm Water Permit Applications May Now Be Filed Online

Utah has launched an online application process for storm water construction permits. The operator of a small or large construction activity can now apply and pay for permit coverage over the Internet. The process takes about 20 minutes; permit coverage is issued on the spot.



Permits Required for Construction Activities

Generally, a landowner or primary contractor who plans a construction activity which will disturb one or more acres of land is required to obtain a permit. The application requirement may be waived for a small site if construction is occurring within a Phase I or Phase II municipal area. A listing of these areas is provided in the online application. The permit may also be waived for a small site if construction will be started and finished - meaning paving, re-vegetating, or placing similar erosion controls in place – between January 1 and April 30 of the same calendar year.

Utah's permit requirements are based on EPA regulations designed to control municipal and industrial storm water and to reduce the amount of pollutants entering rivers, lakes, and streams. (*See Utah Administrative Code (UAC) R317-8-3.9*) The Utah Department of Environmental Quality, Division of Water Quality administers the program.

Where To Find Things

Online Application:

<http://www.waterquality.utah.gov/updes/stormwater.htm>

Stormwater Regulation:

<http://www.rules.state.ut.us/publicat/code/r317/r317.htm>

Questions? *I'm happy to help answer your questions.*

Write, call or e-mail:

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Phase I of the program targeted construction activities on five acres of land or more and went into effect in 1992. Phase II followed in 2001, targeting smaller projects involving one to five acres of land. As of March 10, 2003, these construction sites must be covered under the storm water general permit for construction activities unless the project qualifies for a Low Erosivity Waiver or it falls within a Phase I or Phase II municipal area.

Answers to Frequently Asked Questions

Q: What construction activities need storm water permits?

Any construction that disturbs one acre of land or more needs either a UPDES Storm Water General Permit for Construction Activities (Permit #UTR100000) or an alternate individual permit.



Example of ongoing cut slope stabilization/revegetation

There are a few exceptions:

→ The **application requirement** may be waived for a small construction site if construction is occurring within a Phase I or Phase II municipal area. (*Note: A complete list of these areas can be found on the permit application page.*) The operator will be referred to the local municipal offices to coordinate compliance with the permit provisions (including the development of a Storm Water Pollution Prevention Plan before construction begins) as well as with any applicable local ordinances or policies.

→ The **permit** may be waived for small construction sites if construction will be started and finished - meaning paving, re-vegetating, or placing similar erosion controls in place - between January 1 and April 30 of the same calendar year. (Low Erosivity Waiver) Reasonable measures to control erosion and sediment must be in case runoff occurs during this time period.

Q: What is required in a permit?

A permit is needed BEFORE construction starts and must be maintained through final site stabilization - meaning that all disturbed areas have either been built on, paved, re-vegetated or equivalent permanent, physical erosion controls have been placed. (*Note: If a site is re-vegetated, then a cover must be established with a density of at least 70% of pre-disturbance levels to be considered “finally stabilized.” Re-seeding alone does not qualify.*)

Your permit requires you to control and eliminate storm water pollution sources through the development and implementation of a Storm Water Pollution Prevention Plan. In the Plan, you identify possible sources of storm water pollutants then select Best Management Practices (BMPs) to reduce or eliminate their impacts.

BMPs are the most important element of this Plan. The aim is to control storm water sediment and erosion to the maximum extent practicable. Controls can encompass a wide range of structural and non-structural options:

→ Structural controls could include, for example, the installation of silt fence or the construction of a stabilized construction entrance/exit.

→ Non-structural controls could include, for example, the maintenance of a vegetative filter strip.



Stabilized construction entrances (left) allow dirt to be removed from tire treads and collected as trucks leave construction sites. Grass mulch applied to stabilized exposed soils reduces storm water run off velocity.

The permit also requires routine inspection of the controls at least once every 14 days. The inspections should identify whether any of the controls need maintenance and if they are being effective. If deficiencies are found during inspections, the maintenance should be done and documented as follow up.

Q: How does the online application work?

The application takes about 20 minutes to complete.

You will first be asked a series of screening questions. Depending on your answers, you will be guided to (1) the Notice of Intent or NOI form, or (2) if you are a small construction site that plans to start and finish between January 1 and April 30 of the same calendar year, you will be sent to the Low Erosivity Waiver; or (3) if your small construction project is occurring in a Phase I or Phase II municipal area, you will be referred to a local municipal contact person.

If you need a permit, the system will prompt you to fill out the NOI form, then to certify the information is accurate.

The system will next move to the payment screen. The permit fee is automatically calculated by the system. If you represent a state or local governmental agency, you will be allowed to bypass this screen. Permit fee payments can be made by Visa, Mastercard or e-check. If you want to send a check by mail, the application can be submitted as “pending.” Mailed checks must be received within four working days or the NOI will be deleted. The program will also allow you the option of printing off the NOI and submitting it and your check by mail.

Permit coverage is then issued on the spot and you will be assigned your own permit number.

Remember, before you apply online, you need to have developed your Storm Water Pollution Prevention Plan.

Q: You mentioned small construction activity. What is the difference between a small and a large construction activity?

A large construction activity (Phase I):

- disturbs five acres or greater; or
- disturbs less than five acres but is part of a larger common plan of development or sale whose total land disturbing activities total five acres or greater.

A small construction activity (Phase II):

- disturbs between one and less than five acres of land; or
- disturbs less than one acre but is part of a larger, common plan of development or sale whose total land disturbing activities are between one and five acres.

Q: How do you define “disturbs”? Does it mean the entire acreage of the site or just the area where construction is actually occurring?

It means the total area site where any construction activity is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, including, but not limited to, clearing, grading, excavation, demolition activities, haul roads, and areas used for staging.

Q: When is a construction project considered part of a larger common plan of development or sale?

“A common plan of development or sale” is a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include:

- 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g. a development where lots are sold to separate builders);
- 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and
- 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

If the project is part of a common plan of development or sale, the disturbed area of the entire plan must be used in determining permit requirements.

